

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JAMES E. ROSS,)	
)	
Plaintiff,)	
)	No. 3:09-CV-513
)	(PHILLIPS/SHIRLEY)
V.)	
)	
TOM KILGORE in his official capacity as)	
President and CEO of the TENNESSEEE)	
VALLEY AUTHORITY, and all successors in)	
Interest,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the Orders of the District Judge [Doc. 17, 21] referring Motion to Withdraw as Counsel for Plaintiff [Doc. 16] and Revised Motion for Leave to Withdraw as Counsel for Plaintiff and to Clarify Inclusion of Attorney Maha Ayesh in Motion [Doc. 19], to the undersigned for disposition or report and recommendation as may be appropriate. The parties appeared before the undersigned on July 26, 2012, to address these motions. Attorneys Jennifer Morton and Leslie Beale were present representing the Plaintiff. Plaintiff James E. Ross was also present in the courtroom. Attorney Brent Marquand was present representing the Tennessee Valley Authority and its officers.

Attorney Morton explained that Attorney Ayesh received a Fulbright Scholarship and has relocated to Jordan. She also explained that Ms. Beale has taken an in-house counsel position with a private corporation. Finally, she stated that she does not have the capacity, as a solo practitioner, to litigate this case on her own. She stated that she made Mr. Ross aware of her inability to litigate the case alone as early as February or March 2012. Mr. Ross agreed that this issue was explained to him,

and he conceded that the withdrawal of counsel may be in his best interest given this fact. Further, he represented that he did not have any objection to Attorney Morton, Attorney Beale, and Attorney Ayesh withdrawing from this case.

Counsel for the Tennessee Valley Authority stated that the Tennessee Valley Authority did not object to the requests to withdraw.

The Court finds that the motions before the Court comply with Local Rule 83.4. Moreover, the Court finds that the Plaintiff is aware of the reasons for counsel's withdrawal and the status of his case. He is aware that he needs to seek replacement counsel as soon as possible, unless he intends to proceed *pro se*. Accordingly, the Court finds that the Motions to Withdraw [Docs. 16, 19] are well-taken, and they are **GRANTED**.

The parties **SHALL APPEAR** before the undersigned on **September 25, 2012, at 10:30 a.m.**, for a status conference to address the status of Mr. Ross's representation. Mr. Ross and/or any counsel he has retained **SHALL APPEAR** at said hearing.

Finally, counsel for both parties indicated that one or both parties may seek a continuance in this case. There is no motion before the Court, and without prematurely disposing of any potential issue in this case, the Court reminded the parties at the hearing that this case has been pending for almost four years. A continuance will not be granted without a showing of good cause, and any continuance will be short. The parties should plan accordingly.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge